

**From:** [Morrison, Matthew W.](#)  
**To:** [McKenna, Elizabeth](#)  
**Subject:** Tribes Begin to Run with EPA's Letter  
**Date:** Thursday, December 03, 2015 7:32:11 PM  
**Attachments:** [image002.png](#)  
[image005.png](#)  
[ECF #2344 Dayton Decl. ISO MIL Opp..pdf](#)  
[ECF #2343 Response to MIL.pdf](#)

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Elizabeth – as I predicted, the Tribes are so elated by the very favorable Rick's letter that they are already making filings in court with it.

I was only speaking figuratively when I said Rick's letter would be Exhibit A in the trial, but literally, here it is as Exhibit A. The Tribes are wasting no time.

I can't emphasize enough how urgently this letter needs to either be withdrawn or clarified as not providing an Agency position or opinion, and precluding both parties from offering it up as such.

I also can't overstate how damaging this will be if it remains. The company understandably feels deceived and disappointed by the letter.

Matt

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